

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN RE AIR CARGO SHIPPING
SERVICES ANTITRUST LITIGATION

MDL No. 1775

Master File 06-MD-1775 (JG) (VVP)

STIPULATION

WHEREAS Salvatore Sanfilippo (“Sanfilippo”) was named as a defendant in two actions – (1) *Benchmark Export Services, et al. v. China Airlines, Ltd., et al.*, 1:10-cv-0639 (E.D.N.Y.) (ECF No. 1) (the “New York Action”); and (2) *Benchmark Export Services, et al. v. Sanfilippo*, 1:10-cv-01374 (C.D.Cal.) (ECF No. 2) (the “California Action”);

WHEREAS the New York Action and the California Action have been consolidated and coordinated with the multidistrict litigation captioned 06-md-1775 in the Eastern District of New York;

WHEREAS, on December 7, 2010, Sanfilippo filed Answers to both the New York Action and the California Action, 06-md-1775 (ECF Nos. 1329 and 1331, respectively) in which he asserted the Fifth Amendment;

WHEREAS, Sanfilippo wishes to file an Amended Answer and respond to Plaintiffs First Set of Interrogatories without asserting the Fifth Amendment;

THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and among the undersigned counsel for Class Plaintiffs and Sanfilippo as follows:

1. Plaintiffs consent to Sanfilippo filing an Amended Answer in the New York Action.
2. Within ten (10) business days of Plaintiffs’ receipt of Sanfilippo’s Answers to Plaintiffs’ First Set of Interrogatories, Class Plaintiffs shall dismiss the California Action without prejudice with each party to bear its own costs and fees.

3. Sanfilippo consents to personal jurisdiction and venue in the Eastern District of New York.

Dated: November 2, 2011

/s/ Benjamin J. Lambiotte

Benjamin J. Lambiotte
Richard D. Gluck
Paul S. Hoff
GARVEY SCHUBERT BARER
1000 Potomac Street, N.W., Fifth Floor
Washington, D.C. 20007
(202) 965-7880 (telephone)
(202) 965-1729 (facsimile)

Counsel for Defendant Salvatore Sanfilippo

/s/ Michael D. Hausfeld

Michael D. Hausfeld
William P. Butterfield
Brent W. Landau
HAUSFELD LLP
1700 K Street, Suite 650
Washington, DC 20006
(202) 540-7200 (telephone)

Counsel for Plaintiffs

/s/ Hollis L. Salzman

Hollis L. Salzman
Jay L. Himes
Gregory S. Ascioia
LABATON SUCHAROW LLP
140 Broadway
New York, NY 10005
(212) 907-0700 (telephone)

Counsel for Plaintiffs

/s/ Howard J. Sedran

Howard J. Sedran
Austin B. Cohen
Keith J. Verrier
LEVIN, FISHBEIN, SEDRAN & BERMAN
510 Walnut Street
Philadelphia, PA 19106
(215) 592-1500 (telephone)
(215) 592-4663

Counsel for Plaintiffs

/s/ Robert N. Kaplan

Robert N. Kaplan
Gregory K. Arenson
Gary L. Specks
KAPLAN FOX & KILSHEIMER, LLP
850 Third Avenue, 14th floor
New York, NY 10022
(212) 687-1980 (telephone)

Counsel for Plaintiffs